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January 24, 1997

Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20554

Dear Secretary,

Enclosed is an original and four copies of comments on a petition for rule making, Docket 96-242, RM-8940, to amend the FM table of allotments for a new FM broadcast station for Cheyenne, Wyoming.

Sincerely,



Victor A. Michael Jr.

President

Magic City Media

1912 Capitol Avenue, Suite 300

Cheyenne, Wyoming 82001

307-632-4400

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BEFORE THE  
Federal Communications Commission  
WASHINGTON, D.C. 20554

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In the Matter of )  
 )  
Amendment of Section 73.202(b), ) MM Docket No. 96-242  
Table of Allotments, ) RM-8940  
FM Broadcast Stations. )  
 )  
(Cheyenne, Wyoming) )

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Directed to: Chief, Allocations Branch

**COMMENTS ON PROPOSED RULE MAKING AND COUNTERPROPOSAL**

Magic City Media, Inc. ("MCM"), pursuant to Section 1.415 of the Commission's rules, hereby submits its Comments and Counterproposal in the above-captioned Notice of Proposed Rule Making ("NPRM"), released December 6, 1996. MCM hereby counterproposes that the Commission amend Section 73.207(b), the FM Table of Allotments, (i) to allot FM Channel 229C2 to Grover, Colorado instead of 229A to Cheyenne, Wyoming; (ii) to allot FM Channel 258A to Chugwater, Wyoming as proposed by the Commission in Docket 96-243, RM-8925.

**DISCUSSION**

MCM is the licensee of KOLZ(FM) and KIGN(FM), both licensed to Cheyenne, Wyoming. It purchased these two FM's in 1996 from two different bankrupt corporations. Both of these stations were dark for over a year. While MCM has made these stations viable, additional FM service to an already

crowded marketplace could have detrimental effects on the existing Cheyenne radio marketplace.

Cheyenne is located in Laramie County, a county of 73,142 persons according to the 1990 U.S. Census. Laramie County has eight FM allotments. It also has four Licensed AM stations and three commercial TV stations. It would not receive any great benefit in the allotment of another FM Channel.

MCM feels that this Channel would be better utilized by the allotment of Channel 229C2 to Grover, Colorado. It would provide the community with its first local transmission service. This would be much more important than the sixth local FM transmission service to Cheyenne.

Grover, Colorado is located in northern Colorado. It is located in Weld County, a county of some 131,821 persons. It should be noted that Weld County has only two FM allotments. Grover has a population of 135 persons according to the 1990 U.S. Census. An allotment would provide the first FM allotment located in the eastern half of Weld County. The closest FM allotment to Grover is at Pine Bluffs, Wyoming. Pine Bluffs is 40 kilometers from Grover. It is obvious from this spacing, Grover is without local radio service.

Figure 1 of these Comments and Counterproposal shows that Channel 229C2 can be allotted to Grover and meet all spacing requirements to other stations, with the exception of a new Channel proposed at Chugwater, Wyoming and the proposed allotment at Cheyenne. The Commission has proposed the substitution of Channel 258A at Chugwater which would allow Channel 229C2 to be allotted at Grover, provided Channel 229A is not allotted at Cheyenne.

The allotment at Grover would require a site restriction of 2.6 kilometers northeast of Grover to provide required spacing to KTCL Fort Collins, Colorado. Many potential sites exist to provide the required 3.16mv/70 Dbu service coverage of the entire community of Grover.

The allotment of Channel 229C2 would provide a better use of the allottable spectrum then a Class A allotment at Cheyenne.

MCM certifies that it will file an application for Construction Permit to operate a new station at Grover should the Commission allot Channel 229C2 to Grover, Colorado.

### **CONCLUSION**

MCM has shown that an allotment of Channel 229C2 to Grover, Colorado would be in the public interest. MCM has shown that Channel 229C2 can be allotted to Grover, Colorado and meet all of the spacing requirements of 73.207 of the Commission's rules. Therefor, MCM respectfully requests that the Commission adopt MCM's Counterproposal and Allot Channel 229C2 to Grover, Colorado instead of Channel 229A to Cheyenne, Wyoming.

Respectfully Submitted,

**MAGIC CITY MEDIA, INC.**

BY: 

Victor A. Michael Jr.

President

Magic City Media, Inc.

1912 Capitol Avenue, Suite 300

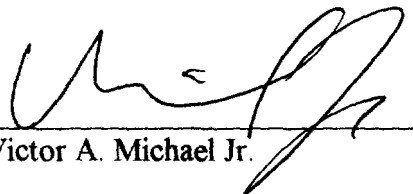
Cheyenne, Wyoming 82001

(307)632-4400

**CERTIFICATE OF SERVICE**

I, Victor A. Michael, Jr. hereby certify that a true and correct copy of the foregoing  
Comments and Counterprosal of Magic City Media, Inc., was sent by first-class postage prepaid  
mail this 24th day January 1997 to the following:

Allan G. Moskowitz, Esq.  
Kaye, Scholer, Fierman, Hays & Handler, LLP  
901 15th Street, N.W., Suite 1100  
Washington, D.C. 20005  
(Counsel for Petitioner)



Victor A. Michael Jr.

MAPFM search of channel 229C2 (93.7 MHz), at N. 40 53 4, W. 104 12 51.

Searching Channel 229C2 (93.7 MHz):

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEARANCE
ALC	Fort Collins	CO	227	C	U	91.0	105.0	245.9°	-14.0
KTCL	Fort Collins	CO	227	C	L	105.1	105.0	213.6°	0.1
ALC	Craig	CO	229	C1	U	288.7	224.0	263.2°	64.7
ALC	Limon	CO	229	A	A	185.9	163.0	166.0°	22.9
KRAIFM	Craig	CO	229	C1	L	288.7	224.0	263.2°	64.7
ALC	Cheyenne	WY	229	A	A	57.7	163.0	308.9°	-105.3
ALC	Chugwater	WY	229	A	A	109.9	163.0	332.3°	-53.1
ALC	Scottsbluff	NE	231	C1	U	101.1	79.0	26.2°	22.1
KNEBFM	Scottsbluff	NE	231	C1	L	101.1	79.0	26.2°	22.1
ALC	Wellington	CO	232	C3	V	68.9	56.0	271.4°	12.9
K232CR	Cheyenne	WY	232	D	L	69.0	0.0	295.2°	69.0
KQKS	Longmont	CO	282	C1	L	105.1	27.0	213.6°	78.1

FIGURE 1  
CHANNEL STUDY  
CHANNEL 229C2  
Grover, Colorado